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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12 FRESNO DIVISION  
13

14 JOSE M. RODRIGUEZ,  
15

16 Plaintiff,  
17

18 v.  
19

20 KILOLO KIJAKAZI,  
21 Acting Commissioner of Social Security,  
22

23 Defendant.  
24

No. 1:21-CV-0014-SKO

STIPULATION AND ORDER FOR EXTENSION  
TO FILE DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S OPENING BRIEF

(Doc. 18)

25 The parties stipulate through counsel that Defendant, the Commissioner of Social Security  
26 (the "Commissioner"), shall have an extension of time to file her opposition to Plaintiff's opening  
27 brief in this case. In support of this request, the Commissioner respectfully states as follows:

- 28 1. Primary responsibility for handling this case has been delegated to the Office of  
the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").
2. Defendant's response to Plaintiff's opening brief is currently due March 14, 2022.  
Defendant has not previously requested an extension of time for this deadline.
3. The Region IX Office currently handles all district and circuit court litigation

1 involving the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and  
2 Guam.

3 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively  
4 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.  
5 Most of the attorneys who handle program litigation cases have additional responsibilities, such  
6 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the  
7 work product of junior attorneys, conducting trainings, and participating in national workgroups.  
8 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has  
9 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-  
10 assigned cases into their existing caseloads.

11 5. As of January 13, 2022, the Region IX Office has 344 district court briefs due in  
12 the next thirty days in the jurisdictions it handles. In addition, the Region IX Office has 12  
13 appellate cases pending for briefing.

14 6. In addition to this “program” litigation, the 30 staff attorneys in the Region IX  
15 Office maintain other workload responsibilities, with most of them dedicating 40 percent or more  
16 of their time to these workloads. The Region IX Office provides a full range of legal services as  
17 counsel for the Social Security Administration, in a region that covers four states (including the  
18 most populous state in the nation) and three territories. These other workloads include  
19 employment litigation; civil rights investigations; bankruptcy matters; and requests for legal  
20 advice on wide-ranging topics, including employee conduct and performance, reasonable  
21 accommodation, hostile work environment, ethics, Privacy Act and disclosure, torts, property,  
22 and contracts.

23 7. The undersigned attorney has 24 briefs due in district court cases over the next  
24 sixty days, with 14 due in the next 30 days, and with six due on March 14, 2022 alone, and has to  
25 prioritize reassigned cases with imminent deadlines that have already been extended.

26 8. Due to the volume of the overall workload within the Region IX Office, neither the  
27 undersigned attorney nor another attorney in the Region IX Office anticipate being able to  
28 complete briefing by the current due date of March 14, 2022. Therefore, Defendant seeks an

extension of 60 days, until May 13, 2022 to respond to Plaintiff's opening brief.

9. This request is made in good faith and is not intended to delay the proceedings in this matter.

WHEREFORE, Defendant requests until May 13, 2022, to file her opposition to Plaintiff's opening brief.

Respectfully submitted,

DATE: March 8, 2022

/s/Jonathan Peña

JONATHAN PEÑA o.b.o. Dolly M. Trompeter  
Attorneys for Plaintiff  
(as approved via email on 3/7/22)

PHILLIP A. TALBERT  
United States Attorney

DATE: March 8, 2022

By s/ Sathya Oum

SATHYA OUM

Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to the foregoing stipulation (Doc. 18), and for good cause shown, IT IS HEREBY ORDERED that Defendant shall have an extension, up to and including May 13, 2022, to file their response to Plaintiff's opening brief. All other dates in the Scheduling Order (Doc. 13) shall be extended accordingly.

IT IS SO ORDERED.

Dated: March 9, 2022

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE